

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noa Street-Sachs	Team: Squad #8	CCRB Case #: 202001162	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/05/2020 6:00 AM	Location of Incident: § 87(2)(b)	Precinct: 113	18 Mo. SOL 8/5/2021	EO SOL 3/22/2022	
Date/Time CV Reported Wed, 02/12/2020 9:31 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/12/2020 9:31 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Bekas	04530	950063	NARCBQS
2. CPT Roderick Dantini	00000	906066	NARCBQS
3. SGT Lawrence Granshaw	01863	944609	NARCBQS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Kyle Contino	2714	955838	NARCBQS
2. DT3 Derek Sambolin	06902	943771	NARCBQS
3. DT3 Shawn Hayes	6093	947770	NARCBQS
4. DT3 Warren Brown	04570	943030	NARCBQS
5. DT3 Howard Kwok	4766	950711	NARCBQS
6. LT William Beneventano	00000	921970	NARCBQS

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Bekas	Abuse: Sergeant Nicholas Bekas entered § 87(2)(b)	§ 87(2)(b)
B.POM Nicholas Bekas	Abuse: Sergeant Nicholas Bekas searched § 87(2)(b)	§ 87(2)(b)
C.POM Nicholas Bekas	Abuse: Sergeant Nicholas Bekas failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
D.SGT Lawrence Granshaw	Abuse: Sergeant Lawrence Granshaw failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
E.POM Nicholas Bekas	Abuse: Sergeant Nicholas Bekas failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
F.SGT Lawrence Granshaw	Abuse: Sergeant Lawrence Granshaw failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
G.CPT Roderick Dantini	Abuse: Captain Roderick Dantini failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
H.CPT Roderick Dantini	Abuse: Captain Roderick Dantini failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

## Case Summary

On February 12, 2020, § 87(2)(b) filed the following complaint with the CCRB over the phone.

On February 5, 2020, at approximately 6 a.m., in the vicinity of § 87(2)(b) in Queens, § 87(2)(b) heard a loud noise and before she exited her bedroom, she saw a male officer walking up the stairs with his gun drawn and his shield out. There was a group of male, plainclothes officers present, of which the investigation determined that the lead investigating officer was Sgt. Nicholas Bekas, of which the search supervisor was Sgt. Lawrence Granshaw, and of which the highest ranking member of service was Cpt. Roderick Dantini, all of Narcotics Queens South. Sgt. Bekas was an officer at the time of the incident but has since been promoted, and as such, is being referred to as Sgt. Bekas. The officers brought § 87(2)(b) and her son § 87(2)(b) downstairs to the living room and handcuffed § 87(2)(b) after which they proceeded to search every room in the house (**Allegation A and B: Abuse of Authority**, § 87(2)(g)).

No arrest was made and no summons was issued pertaining to this incident. None of the officers allegedly provided § 87(2)(b) or § 87(2)(b) with a business card (**Allegation C-F: Abuse of Authority**, § 87(2)(g)). **Allegation G and H: Abuse of Authority**, § 87(2)(g).

The agency is not in possession of video footage of this incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Sergeant Nicholas Bekas entered** § 87(2)(b)

**Allegation (B) Abuse of Authority: Sergeant Nicholas Bekas searched** § 87(2)(b)

It is undisputed that Sgt. Bekas, Sgt. Granshaw, Capt. Dantini and officers from Narcotics Queens South entered and searched § 87(2)(b)'s residence. Sgt. Bekas obtained a no-knock search warrant for this § 87(2)(b) in Queens which allowed them to search the entire residence. Sgt. Bekas had a copy of the warrant with him while entering and a photo of § 87(2)(b). Sgt. Bekas was searching for crack-cocaine, any narcotics packaging, currency, and firearms. Sgt. Bekas was shown the search warrant during his interview and he confirmed that this was the search warrant that was executed. Sgt. Bekas stated that § 87(2)(b) and § 87(2)(b)'s signatures were at the bottom of the document, below that of the judge (Board Review 06, Board Review 07).

The investigation obtained the search warrant associated with this incident. The warrant, warrant number § 87(2)(b), was obtained by Sgt. Bekas, and outlined reasonable cause to believe that § 87(2)(b) in Queens had drugs associated with § 87(2)(b). The warrant authorized a search between 6 and 9 a.m. without an initial announcement of purpose or authority (Board Review 06).

During § 87(2)(b)'s sworn statement, she stated that the lock on her front door was broken and the surrounding wall area was broken with two gashes in it as a result of the incident. § 87(2)(b) provided the investigation with two photos of the door (Board Review 01-03).

During § 87(2)(b)'s sworn statement, he presented a cell phone photograph of the inside view of the door and directed the undersigned's attention to the wall next to the door which had cracked sheet rock. The light switch was also damaged. A second photograph depicted a white door which was extensively damaged and had points where it appeared a hard object impacted the door near the doorknob. A third photograph depicted the door frame where the metal frame was bent at an angle

and damaged (Board Review 04, Board Review 05).

As per the NYS Criminal Procedure Law (CPL) 690.50, officers may enter and search a location for which they have a valid search warrant and they may do so without providing notice of their authority and purpose if the warrant expressly authorizes entry without notice (Board Review 10).

§ 87(2)(g)

**Allegation (C) Abuse of Authority: Sergeant Nicholas Bekas failed to provide § 87(2)(b) with a business card.**

**Allegation (D) Abuse of Authority: Sergeant Lawrence Granshaw failed to provide § 87(2)(b) with a business card.**

**Allegation (E) Abuse of Authority: Sergeant Nicholas Bekas failed to provide § 87(2)(b) with a business card.**

**Allegation (F) Abuse of Authority: Sergeant Lawrence Granshaw failed to provide § 87(2)(b) with a business card.**

**Allegation (G) Abuse of Authority: Captain Roderick Dantini failed to provide § 87(2)(b) with a business card.**

**Allegation (H) Abuse of Authority: Captain Roderick Dantini failed to provide § 87(2)(b) with a business card.**

§ 87(2)(g)

§ 87(2)(b) In § 87(2)(b)'s sworn statement, she stated that none of the officers provided her with a business card at any point in the incident (Board Review 03). In § 87(2)(b)'s sworn statement, he stated that none of the officers provided him with a business card at any point in the incident (Board Review 05).

Sgt. Bekas testified that he did not recall if he provided § 87(2)(b) or § 87(2)(b) with a business card. Sgt. Bekas did not remember any of the other officers providing either § 87(2)(b) or § 87(2)(b) with business cards at any point during the incident. Sgt. Bekas stated that he definitely provided his information because his information was on the search warrant and he provided them with a copy of the warrant. When asked if Sgt. Bekas provided his information in any other way, Sgt. Bekas said if they had wanted his information, he would have provided it. When asked if he wrote anything down for them, Sgt. Bekas said he would have if they had wanted it, but he did not remember whether he did. On the copy of the search warrant he provided them with, Sgt. Bekas' name and shield in addition to the address of their residence was listed. Sgt. Bekas did not know whether any of the other members of service provided their business cards to § 87(2)(b) or § 87(2)(b).

Sgt. Bekas' understanding of the Right to Know Act and its requirements was that officers should provide their information in case a civilian wanted to make a complaint. The officer doing the stop was required to provide a business card. Sgt. Bekas did not remember any training on providing business cards specifically in regard to the execution of a search warrant. Sgt. Bekas did not remember if he had business cards on him during the execution of this search warrant and stated that the Right to Know Act was fairly new at this time. To Sgt. Bekas' knowledge, he was supposed to carry business cards on his person. If he was out of business cards, he would inform the sergeant. Sgt. Bekas did not hear any civilian request a business card at any point (Board Review 07).

Cpt. Dantini testified he did not recall if he provided either of the individuals with a business card and did not know if any of his officers did so. Cpt. Dantini could not recall if the individuals at the location were provided with any information at the conclusion of the search. Cpt. Dantini was not sure if the individuals were shown the warrant at this location but believed they probably were. Usually, the investigator who oversaw the case would explain to the individuals what happened and what transpired and would provide their information, but Cpt. Dantini did not know specifically whether this happened for this case.

Cpt. Dantini's knowledge of the Right To Know Act was that members of service would provide information to civilians upon their request. When asked if members of service were otherwise required to provide business cards during entries of residences, Cpt. Dantini said they would be required to provide business cards during searches and frisks. As far as entries into locations, if there was not a business card, a member of service would provide their name and number on a notepad and provide a copy of the search warrant which would have their name on it as well. Cpt. Dantini did not have any recollection of his officers providing business cards at this location but stated that he left before the other officers so he was not there for the entire entry and search. Cpt. Dantini did not know how much longer the other officers stayed at the location after he left or if the civilians were still detained when he left, nor did he remember what was happening as he left. Once Cpt. Dantini entered the location, he believed he primarily remained on the first floor of the residence but Cpt. Dantini said during his interview that a search warrant was a "fluid type of situation" in that people were constantly moving so he could not determine specifically which civilians and members of service were where upon his entrance.

On the date of the incident, NYPD officers had already been assigned business cards from the police department. Cpt. Dantini did not remember if he had any business cards with him during the incident nor did he remember if during the tac meeting or at any other point he instructed his officers to provide business cards. Cpt. Dantini did not know when his officers were first given business cards and could not estimate because this was not part of his tasks to distribute business cards. Cpt. Dantini said there was training on the Right to Know Act and business cards, but he did not know when this was or how extensive it was (Board Review 08).

Sgt. Granshaw testified that he did not remember if he provided § 87(2)(b) or § 87(2)(b) with a business card. He added during the interview, "If they would have asked for one, I would have given it." Sgt. Granshaw did not know if § 87(2)(b) or § 87(2)(b) asked him for one during this incident. Sgt. Granshaw did not know if any of the other officers on scene provided § 87(2)(b) or § 87(2)(b) with a business card. When asked about his understanding of the Right To Know Act regarding providing civilians with business cards, Sgt. Granshaw said, "If someone asks for one, you have to give one." To Sgt. Granshaw's understanding, there was no requirement to proactively provide a business card. Sgt. Granshaw did not proactively provide either of the civilians with a business card because he did not believe he had to.

Sgt. Granshaw did not instruct any members of his team to provide a business card. Ever since they were trained on the Right To Know Act, they all carried business cards on them. Sgt. Granshaw did not remember when he was trained on the Right to Know Act. Sgt. Granshaw had business cards on him during the incident. Sgt. Granshaw did not remember when they were first equipped with business cards but estimated it was approximately one or two years prior. Sgt. Granshaw did not remember when Cpt. Dantini left the scene but stated that routinely, the captain on scene during the execution of a search warrant stayed on the scene until they were finished and left the location (Board Review 09).

The investigation obtained the Pre Tac – Search Warrant DD5 (§ 87(2)(b)) and the Post

Tac – Search Warrant DD5 (§ 87(2)(b)) which listed Cpt. Dantini as the overall supervisor, Sgt. Granshaw as the ram/search supervisor, and Sgt. Bekas as the entry bunker (Board Review 06).

§ 87(2)(g)

According to New York Administrative Code Law 14-174 (b), during a law enforcement activity, an officer shall identify him or herself to the person who is the subject of such law enforcement activity, provide such person an explanation of the reason for such law enforcement activity, and offer a business card to such person at the conclusion of any such activity that does not result in an arrest or summons (Board Review 11).

Per NYPD Patrol Guide Procedure 203-09, an officer is required to offer a Right to Know Act business card upon the conclusion of law enforcement activities, except in cases when a summons is issued or an arrest is made or exigent circumstances are present (Board Review 12).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been party (Board Review 13, Board Review 14).
- Sgt. Bekas has been a member-of-service for nine years and has been a subject in five previous CCRB complaints and 19 allegations. CCRB 201902236 involved a substantiated vehicle strike allegation. APU closed this allegation as it was previously adjudicated with discipline. § 87(2)(g) (Board Review 15).
- Sgt. Granshaw has been a member-of-service for 13 years and has been a subject in one previous CCRB complaint and six allegations for which the investigation is still ongoing. § 87(2)(g) (Board Review 16).

- Cpt. Dantini has been a member-of-service for 27 years and has been a subject in two previous CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g) (Board Review 20).

### **Mediation, Civil and Criminal Histories**

- This complaint was unsuitable for mediation.
- As of February 25, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 17).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 8

Investigator: <u>Noa Street-Sachs</u>	<u>Inv. Street-Sachs</u>	<u>06/23/2021</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Patrick Yu</u>	<u>SI Patrick Yu</u>	<u>06/23/2021</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date